

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

COALITION FOR GOOD  
GOVERNANCE, *et al.*,

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, in his  
official capacity as Secretary of State;  
*et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:20-CV-01677-TCB

**DEFENDANTS' NOTICE REGARDING  
CHANGES TO ELECTION PROCEDURES**

On April 27, 2020, this Court ordered Defendants to inform the Court and Plaintiffs “as to which of the remedies or changes to elections procedures described in the Motion (Doc. 11), including moving the date of the June 9 election, Defendants (a) intend to make, in whole or in part, prior to a Court order requiring them to do so, or (b) do not oppose.” [Doc. 13, p. 2]. Without waiving objections to jurisdiction, Defendants file the following response.

**I. Actions already underway.**

Prior to the filing of this lawsuit, Defendants had already:

1. Begun the process of mailing absentee-ballot applications to all mailing addresses of active-status voters (instead of only residential addresses), [Doc. 11, ¶ 13]; and
2. Planned for county superintendents to include March 24, 2020 absentee ballots in tabulations for the presidential preference primary if voters return them before the polls close for the June 9, 2020, election, covering a portion of [Doc. 11, ¶ 14]. Specifically:
  - a. If a voter's March 24, 2020 absentee ballot was accepted prior to voting in the June 9, 2020 primary, voters will be provided a June 9, 2020 ballot without the Presidential Preference Primary included.
  - b. If a voter's March 24, 2020 absentee ballot was not returned or accepted prior to the voter requesting a ballot in the June 9, 2020 primary, the voter's March 24, 2020 ballot will be cancelled and the voter will be provided a June 9, 2020 ballot with the Presidential Preference Primary included.

## **II. Possible additional actions.**

As the Court is aware and Plaintiffs admit, elected officials are responding in real time to the issues raised by the COVID-19 pandemic. Defendants cannot fully state every action that will be taken by the start of

early voting, but at this point, Defendants—prior to the filing of Plaintiffs’ action—were already considering and evaluating the following additional actions:

1. Allowing early scanning of absentee ballots, covering a portion of [Doc. 11, ¶ 6]; and
2. Assisting with the distribution of PPE to counties and/or voters, covering a portion of [Doc. 11, ¶ 11].

### **III. Opposition to further delaying June 9, 2020 election.**

Defendants oppose further moving the June 9, 2020 election, because it is currently scheduled for the latest date on which the Presidential Preference Primary can be held by statute, O.C.G.A. § 21-2-191, and because it is the latest date on which the General Primary can be held to ensure overseas and military voters are able to participate in all elections in 2020. *See* 52 U.S.C. § 20302(a)(8).<sup>1</sup> The Secretary of State explained the timeline for 2020 elections in the following chart provided with the announcement of the delay of the primary to June 9, 2020, *Raffensperger Announces Postponement of Primary*

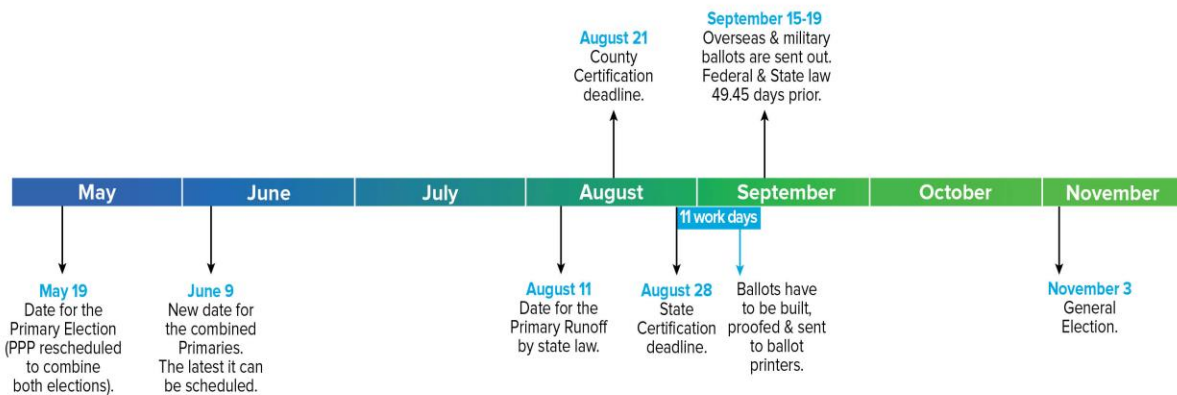
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<sup>1</sup> As the Court is aware, the history of litigation on this issue highlights the importance of these timeline constraints to ensure members of the military are able to participate in Georgia elections. *See U.S. v. Georgia*, 952 F. Supp. 2d 1318 (N.D. Ga. 2013) *vacated as moot*, 778 F.3d 1202 (11th Cir. 2015) (litigation concerning compliance with UOCAVA dismissed as moot in light of state statutory amendments).

*Election* *Until* *June* *9,*

<https://sos.ga.gov/index.php/elections/raffensperger> announces postponement of primary election until june 9 (April 9, 2020)<sup>2</sup>:

## How we landed on June 9th, 2020 for General/PP Primary Election



**SECURE  
THE VOTE**

<sup>2</sup> The chart shown on this page assumes there are no recounts for the August 11 runoff election. Recounts occur after certification, O.C.G.A. § 21-2-495(c)(1), and can further delay the time in which ballots can be sent to the printer for the general election.

Defendants will respond to the Plaintiffs' motion seeking this Court's involvement in the General Primary on the timeline specified by the Court in [Doc. 18] after receiving Plaintiffs' brief.

This 28th day of April, 2020.

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**CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing DEFENDANTS' NOTICE REGARDING CHANGES TO ELECTION PROCEDURES has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson  
Bryan P. Tyson